

Minutes of the Delta Protection Commission  
May 24, 2012

Antioch Historical Society  
1500 W. 4<sup>th</sup> Street  
Antioch, California 94509

**ADMINISTRATIVE AGENDA**

**1. Call to Order/Flag Salute**

Chair Nottoli called the meeting to order at 6:00 p.m.

Chair Nottoli welcomed Jim Frazier. Mr. Frazier is a council member for the City of Oakley. He represents the cities of Contra Costa and Solano Counties and has replaced Jan Vick.

**2. Roll Call**

Present: Chair Nottoli; Commissioners Ferrara, Frazier, McGowan, Piepho, Scriven, and Schubert.

Absent: Commissioners Bugsch, Cabaldon, Eggman, Ferguson, Reagan, Ruhstaller, and van Loben Sels.

No quorum was established.

**3. Public Comment. Opportunity for Members of the Public to Address the Commission on Items Not on the Agenda**

No one addressed the Commission.

**CONSENT AGENDA**

**4. Approve Minutes of March 22, 2012**

No action was taken on the agenda item, as no quorum was established.

**REGULAR AGENDA**

**5. Update on the Great California Delta Trail**

**A. Revised Scope of Work for the Delta Trail Blueprint Report for the Counties of Sacramento, San Joaquin, and Yolo**

**B. Approve Resolution of Support for Bicycle Lanes Along Improved Delta Levees**

**C. Approve Resolution of Support for Bicycle Lanes Along State Routes 4, 12, and 160**

Mike Machado reported that Commission staff has been participating in the State Route 12 Corridor Study Technical Advisory Group to advocate for Delta Trail access using public lands. Currently, Highways 4, 16, and 12 are the only avenues for access into the Delta and Commission staff has been present at the meetings to ensure that CALTRANS takes into consideration for the planning of secure bicycle lands to help complete the trail. Mr. Machado

also clarified that Commission staff is confirming to include farm bureaus in the discussions on the Delta Trail Blueprint report and take into consideration the respect for private lands in developing the trails.

Commissioner Ferrara commented that most Delta levees are neither owned nor designed by the Department of Water Resources; therefore, any Delta Trail discussions should be expanded to include the reclamation districts.

No action was taken on the agenda item, as no quorum was established.

#### Public Comment

Dave Shpak, City of West Sacramento Flood Manager said the City would like to be engaged and at the table of any Delta Trail discussions. Mr. Shpak said the City could possibly add a trail head and invest in a number of opportunities to the cause, such as the Clarksburg Branch Line – an 11 mile rail to trail conversion, in addition to a 5.7 mile levee improvement project in the Southport area which would provide access to the river and habitat related open space.

#### **6. Receive Presentation From Dan Ray, Delta Stewardship Council (DSC), Regarding the 6th Draft of the Delta Plan.**

Dan Ray provided an informational update on sixth draft of the Delta Plan. Mr. Ray stated that the Delta Plan is to meet the coequal goals of delivering a more reliable water supply for California while protecting, restoring and enhancing the Delta ecosystem. The Delta Plan also strives to provide better water management throughout California, including conservation, diversification of water supplies, improved Delta conveyance, and expansion of groundwater and surface storage. Mr. Ray said the Plan is taking a common sense approach based on best available science and will knit together the various regulations, policies and plans already in place, in progress, or planned.

Mr. Ray reported that the DSC is to develop, implement and update the Delta Plan, and establish and oversee interagency implementation; in addition, determine consistency of covered actions upon appeal. The DSC would also review and comment on EIR's and serve as an independent appellate body. He said the Commission would serve as a forum for Delta residents to engage in decisions regarding actions to recognize and enhance the Delta's unique cultural, recreational, and agricultural assets. The Commission would also serve as a Delta Plan Implementation Committee member and make recommendations about significant projects.

Next steps include public review and comment on the supplement to the Program Environmental Impact Report (PEIR), and draft regulations with comments published in the Final PEIR. It is estimated that the Delta Plan will become a regulation sometime in 2013.

Commissioner McGowan asked how much water would be available for diversion. Mr. Ray responded that he could not answer as that responsibility belonged to the State Water Board.

Commissioner Piepho stated that the goal of the Bay Delta Conservation Plan was a struggle for Contra Costa County. She said that with more bureaucracy comes less control for the locals.

## **7. Receive Report From the Executive Director, Including Informational Updates on Activities and Other Delta Initiatives.**

Mike Machado reported that Commission staff is working on the final National Heritage Area Feasibility which will be resubmitted to the National Parks Service for review. It is anticipated that the final document will be presented to the Commission for discussion and adoption at the July 2012 meeting. Additionally, staff submitted working landscapes and Delta Trail projects for funding to the Delta Projects Collaborative Group. Mr. Machado also reported that the Commission's budget was approved by the Governor, and funding and personnel levels would remain the same.

Doug Brown, Delta Counties Coalition (DCC) announced that the DCC is trying to identify funding for studies to evaluate the impacts of the Bay Delta Conservation Plan. Mr. Brown said that the DCC was also looking at the Economic Sustainability Plan for study/project funding and would be coordinating with Commission staff and the Delta Conservancy to advocate for more funding for local interests in the Delta.

Mike Machado reported that Delta counties are updating their general plans to come into conformance with the Land Use and Resource Management Plan (Management Plan). Mr. Machado said Commission staff has communicated with each county regarding their Delta element as it relates to the Management Plan.

Jessica Tucker-Mohl, Office of the Attorney General iterated that the Commission's role is to exercise oversight responsibility and implement the Management Plan in the Primary Zone. Ms. Tucker-Mohl reviewed the status of a solar panel project in the Primary Zone in Sacramento County. She said the Commission became aware of the project and wrote a letter stating the project was incompatible with the Management Plan. She said Sacramento County Planning Commission reviewed the letter, made note, and determined that the project was "*not significantly incompatible*" with the Management Plan and thus approved the project. Ms. Tucker-Mohl said the Commission was not notified of the meeting and unable to participate to voice its objection. She said she finds this situation troubling because implementation of the Management Plan depends solely on collaboration between the Commission and the Delta Counties and stressed that the Commission play a role as the oversight agency in the Delta, as the alternative is not attractive.

Commissioner Piepho asked what was the status of the Planning Commission decision, and where would the Commission go from here. Chair Nottoli responded that although the project should have come before the Board of Supervisors, the Commission has relatively few options at this point as the appeal time has elapsed. He asked that a meeting be arranged between himself, the Commission's attorney and Executive Director. Ms. Tuck-Mohl also agreed that there was nothing the Commission could do.

## **8. Comments and Announcements From Members of the Commission.**

Commissioner Piepho asked that the Commission consider having a joint meeting with the Delta Conservancy to discuss collaboration on Delta projects. Mr. Machado responded that Commission staff and Conservancy staff had prior meetings and will continue to do so. He also said that current challenges are that the workload of the Commission is evolving; however, there

would be opportunities for collaboration in the near future. Chair Nottoli responded that the public should know the distinctive roles between the two agencies. He also said that if a Commission/Conservancy meeting was not feasible, then a meeting between Commissioner Piepho, himself, Mr. Machado and Campbell Ingram would suffice.

Chair Nottoli also announced that the Rio Vista water tower was moved to Isleton and would be raised on June 1, 2012.

## **9. ADJOURN**

The meeting was adjourned at 8:15 p.m.